

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking concerning  
Broadband Over Power Line deployment by  
electric utilities in California.

Rulemaking 05-09-006  
(Filed September 8, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING  
GRANTING EXTENSION OF TIME**

On September 29, 2005, The Utility Reform Network (TURN) filed a motion requesting that the deadline for comments in this proceeding be extended by at least four weeks, and that the deadline for requesting evidentiary hearings be changed from concurrently with initial comments to concurrently with reply comments.<sup>1</sup> We are granting these requests. Opening comments are now due on Thursday, November 3, 2005, and reply comments are due on Tuesday, November 15, 2005. Requests for evidentiary hearings are now also due on November 15, 2005.

Given the importance of the issues involved, and the newness of the technology itself, it is important to ensure that we have a good record in this proceeding. We can provide for a higher-quality record by allowing the parties more time to prepare their comments, while still ensuring that we are moving expeditiously to implement Broadband Over Power Line (BPL) deployment in California.

Since this is a new proceeding, dealing with new issues, the parties do not know what each others' positions are, as they might in a more traditional or ongoing proceeding. Accordingly, it would be more appropriate to have requests for hearings submitted with reply comments, rather than opening comments, as it would allow for parties to more accurately identify material issues of fact. We reiterate that requests for evidentiary hearings are to take the form of a motion, which must identify and describe (i) the material issues of fact, (ii) the evidence the party proposes to introduce at the requested hearing, and (iii) the schedule for conducting the hearing. Any right that a party may otherwise have to an evidentiary hearing will be waived if the party does not submit a timely motion requesting an evidentiary hearing.

TURN also requested clarification of whether the proposed rules allow a regulated utility to operate a BPL system as a non-tariffed or "below the line" service. We decline to provide that specific clarification in this ruling, but note that the Commission welcomes comments addressing all potential forms of ownership, including ownership by regulated utilities, utility affiliates, and third parties.

**IT IS RULED** that:

1. Opening Comments are now due on November 3, 2005.
2. Reply Comments are now due on November 15, 2005.
3. Requests for evidentiary hearings are now due on November 15, 2005.

Dated October 4, 2005, at San Francisco, California.

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<sup>1</sup> The motion's full title is: *Motion of the Utility Reform Network Seeking Extension of Time for Comments and Request for Hearing*.

/s/ PETER V. ALLEN by LTC

Peter V. Allen

Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Extension of Time on all parties of record in this proceeding or their attorneys of record.

Dated October 4, 2005, at San Francisco, California.

/s/ FANNIE SID

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Fannie Sid

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.